

Jacobowitz and Gubits, LLP
Michael L. Carey (MC3242)
Attorneys for Joseph Wu
158 Orange Avenue - PO Box 367
Walden, New York 12586
(845) 778-2121

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-cv-6335 (CLB)(LMS)

-against-

THOMAS P. SOBIECH, et al,

Defendant.
-----X

**ANSWER AND AFFIRMATIVE DEFENSES
OF JOSEPH WU TO COMPLAINT**

Defendant, Joseph Wu, by his attorneys, Jacobowitz and Gubits, LLP, for its answer to the complaint alleges upon information and belief as follows:

1. Defendant denies the allegations set forth in the complaint that the action seeks to foreclose upon the mortgages held by Defendant, Joseph Wu, as subordinate to the alleged mortgage(s) held by the Plaintiff.
2. Paragraph 1 of the complaint requires no response.
3. The Defendant, Joseph Wu, is without knowledge and information to form a belief as to the allegations set forth in paragraphs 5, 6, 9, 11 through 32, and 34 through 43 of the complaint.
4. The Defendant, Joseph Wu, admits the allegations set forth in paragraphs 2, 3, 4, 7, 8 and 10 of the complaint.
5. As to paragraph 33 of the complaint, admit Joseph Wu claims an interest in a portion of the property pledged or purportedly pledged by Thomas Sobiech, Robin Sobiech, and Nichris Corporation (the "Sobiech defendants") to the Government. Further admit that Joseph Wu claims an interest in a portion of the property pledged or purportedly pledged by the Thomas

Sobiech, Robin Sobiech, and Nichris Corporation (the "Sobiech defendants") to the Government. Defendant otherwise denies knowledge or information sufficient to form a belief as to the trust of paragraph 33 of the complaint.

AFFIRMATIVE DEFENSE AND COUNTERCLAIM

6. Joseph Wu claims to be secured by two first mortgages secured by real estate owned by Gotham Renovations Group, Inc., Block 1, Lot 43, Section 3 and Pine Island Group, Inc., Block 1, Lot 44, Section 3.

7. Gotham Renovation Group, Inc. and Pine Island Group, Inc. obtained title from a referee after a foreclosure sale on January 9, 2004.

8. Gotham Renovation Group, Inc. and Pine Island Group, Inc. borrowed money from Joseph Wu and gave Joseph Wu mortgages to secure the repayment of the money.

9. The foreclosure action through which Gotham Renovation Group, Inc. acquired title was captioned Pine Island Group, Inc. v. Thomas Sobiech, the United States of America acting through the United States Department of Agriculture and People of the State of New York, Index No. 8965-2000, Supreme Court, Orange County, New York.

10. A copy of the Referee's Deed in the Pine Island foreclosure action is annexed as Exhibit "A". The annexed Referee's Deed, executed on August 4, 2004, was duly recorded in the Orange County deed records on January 24, 2005 at Book 11730, Page 1103.

11. The auction sale that resulted in the annexed Referee's Deed concluded the foreclosure of a prior recorded and therefore superior mortgage lien granted by Thomas Sobiech, which mortgage was duly recorded on November 28, 1997 in Liber 6388 of Mortgages, Page 232, Orange County records.

12. As a result of Gotham Renovation Group, Inc.'s successful bid and purchase at the auction sale evidenced by the annexed Referee's Deed, and as a result of the recording of that Deed, the Government's subordinate mortgage lien in and to the Gotham Renovation Property was extinguished and of no further force or effect.

13. Joseph Wu commenced a foreclosure action on the mortgages in the Supreme Court of the State of New York County of Orange on February 16, 2007 bearing Index Number 1471-07.


14. Pine Island Group, Inc. filed for relief under Chapter 11 of the United States Bankruptcy Code in the Southern District of New York bearing Case Number 07-36133 on July 27, 2007.

WHEREFORE it is respectfully requested that the Court dismiss the action against Joseph Wu and Block 1, Lot 43, Section 3 owned by Gotham Renovation Group, Inc. and Block 1, Lot 44, Section 3 owned by Pine Island Group, Inc. and for such other and further relief as the Court deems just and proper.

Dated: Walden, New York
September 20, 2007

JACOBOWITZ AND GUBITS, LLP

BY:


Michael L. Carey (MC3242)
Attorneys for Joseph Wu
158 Orange Avenue - PO Box 367
Walden, New York 12586
(845) 778-2121

TO: MICHAEL D. PINSKY, ESQ.
Attorney for Gotham Provision Group
And Pine Island Group
30 Matthews Street, Suite 304
Goshen, New York 10924
Tel. No. (845) 294-5123

ANDREW M. CUOMO, ESQ.
New York State Attorney General
Attorney for defendant State of New York
300 Motor Parkway - Suite 125
Hauppauge, New York 11788

MICHAEL S. BLUSTEIN, ESQ.
Blustein, Shapiro & Rich, LLP
Attorneys for defts. Pietrzak &
PFAU Engineering & Surveying, PLLC
90 Crystal Run Road - Suite 409
Middletown, New York 10941

RICHARD DeMARCO, Pro Se
RHODA SILK, Pro Se
827 County Route 1
Pine Island, New York 11787

Michael J. Garcia, Esq.
United States Attorney for the
Southern District of New York
Attn: Kristin L. Vassallo, Esq.
86 Chambers Street - 3rd Floor
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
JOSEPH WU,

Plaintiff,

-against-

GOTHAM RENOVATION GROUP INC., PINE
ISLAND GROUP, INC., PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC, NEW
YORK STATE, RICHARD DEMARCO, RHODA
SILK, and "JOHN DOE #1" through "JOHN DOE #10"
the last 10 names being fictitious and unknown to the
Plaintiff, the person or parties intended being the persons
or parties, if any, having or claiming an interest
in or lien upon the mortgaged premises described in
the verified complaint,

Defendants.
-----X

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

Kim A. Allard, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and reside at Gardiner, New York.

2. On September 20, 2007, I served a true copy of the annexed Answer and Affirmative Defenses of Joseph Wu to Complaint in the above-entitled action by mailing same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

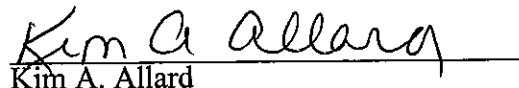
Michael D. Pinsky, Esq.
30 Matthews Street, Suite 304
Goshen, New York 10924

Andrew M. Cuomo, Esq.
New York State Attorney General
300 Motor Parkway - Suite 125
Hauppauge, New York 11788

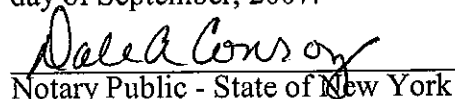
Michael S. Blustein, Esq.
Blustein, Shapiro & Rich, LLP
90 Crystal Run Road - Suite 409
Middletown, New York 10941

Richard Demarco, Pro Se
RHODA SILK, Pro Se
827 County Route 1
Pine Island, New York 11787

Michael J. Garcia, Esq.
United States Attorney for the
Southern District of New York
Attn: Kristin L. Vassallo, Esq.
86 Chambers Street - 3rd Floor
New York, New York 10007


Kim A. Allard

Sworn to before me this 20th
day of September, 2007.


Notary Public - State of New York

DALE A. CONROY
Notary Public, State of New York
No. 01CO4983479
Qualified in Sullivan County
Commission Expires July 1, 2011